

REMARKS

Claim 6 is amended to incorporate the substance of Claim 9, so that the scope of Claim 6 (Amended) is the same as that of original Claim 9. Claims 10-12 are amended for proper dependency, and to overcome formal rejections as discussed below. Claims 6-8 and 10-13 remain, with no claim previously allowed.

The applicants respectfully request reconsideration of this application.

Concerning the rejections under 35 U.S.C. § 112, second paragraph, Claim 10 is amended to remove the term "high molecular". Claim 13 is amended by removing the definite article "the", and to recite --light blocking particles-- for proper parallel construction with parent Claim 6.

The applicants submit that the amended claims comply with 35 U.S.C. § 112, second paragraph.

Turning to substantive issues, Claims 6 and 7 were rejected as being anticipated by *Arai* (5,589,347). The applicants respectfully traverse this rejection.

Claim 6 now includes the limitation, formerly in Claim 9, that the light blocking particles are in the form of polymer beads embedding the light blocking particles. This limitation is not disclosed in *Arai* '347, and Claim 9 was not rejected as anticipated by that art. Accordingly, the applicants submit that *Arai* '347 does not anticipate the test device of Claims 6 and 7.

Claims 8-13 were rejected as being unpatentable over *Arai* '347. The applicants respectfully traverse this rejection.

The rejection admits that *Arai* '347 does not disclose embedding light-shielding particles in polymer beads. However, the Examiner asserts that the dispersion of light-shielding particles into the polymer is equivalent to embedding the particles in polymer,

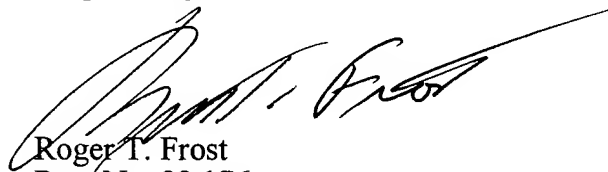
absent evidence to the contrary. The applicants submit the Declaration of Yoshihiko Higuchi, one of the inventors herein, in traversal of that assertion.

This Declaration shows that by using polymer beads embedding carbon black, measurement can be shortened and the influence of hematocrit values on reflectance becomes small. As a result, measurements can be made more rapidly and accurately, compared with the direct use of carbon black. The advantages of embedding the light-blocking particles in polymer beads, over dispersing those particles into the polymer, are not suggested by *Arai*, and one of ordinary skill could not find from that reference any teaching of those results or of the structural arrangement producing those results.

In view of the unexpected results obtained by the claimed arrangement, the rejection of Claims 8-13 should be withdrawn.

The foregoing is submitted as a complete response to the Office action identified above. The applicants submit that this applicant is in condition for allowance and solicit a notice to that effect.

Respectfully submitted,



Roger T. Frost
Reg. No. 22,176

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404) 815-6500
Docket: 20111-0035
(46309/239355)